

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION**

APPLETON PAPERS INC. and)
NCR CORPORATION,)
Plaintiffs,)
v.) No. 08-CV-16-WCG
GEORGE A. WHITING PAPER COMPANY, et al.)
Defendants.)

**DECLARATION OF DARIN P. MCATEE IN SUPPORT OF
AMENDED RENEWED MOTION BY PLAINTIFFS NCR CORPORATION AND
APPLETON PAPERS INC. FOR ENTRY OF PARTIAL FINAL JUDGMENT
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 54(b)**

I, DARIN P. MCATEE, declare as follows:

1. I am a member of the firm of Cravath, Swaine & Moore LLP, and I am one of the attorneys representing Defendant NCR Corporation in the above-captioned action. I am admitted to practice in the Eastern District of Wisconsin.

2. I submit this Declaration in support of the Amended Renewed Motion of NCR Corporation and Appleton Papers Inc. for Entry of Partial Final Judgment Pursuant to Federal Rule of Civil Procedure 54(b).

3. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the Technical Memorandum 2d: Compilation and Estimation of Historical Discharges of Total Suspended Solids and Polychlorinated Biphenyls from Lower Fox River Point Sources, dated February 23, 1999 ("WDNR Rep.").

4. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the United States' Preliminary Estimate of PCB Discharges to the Fox River (1954-1985), dated May 10, 2000 ("2000 Amendola Rep.").

5. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from the United States' Estimated Discharges of PCB to the Fox River (1954-1985), dated April 13, 2001 ("2001 Amendola Rep.").

6. Attached hereto as Exhibit 4 is a true and correct copy of the publicly filed comments of NCR and API on the Proposed Consent Decree Involving the United States, the State of Wisconsin, the City of Green Bay, Brown County, and Various Departments and Agencies of the United States (Case No. 10-90 (E.D. Wis.); DOJ Reference Number 90-11-2-1045/3), dated February 25, 2011.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 28, 2011.

/s/ Darin P. McAtee
Darin P. McAtee

CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2011, I electronically filed the Declaration of Darin P. McAtee in Support of the Amended Renewed Motion by Plaintiffs NCR Corporation and Appleton Papers Inc. for Entry of Partial Final Judgment Pursuant to Federal Rule of Civil Procedure 54(b) using the ECF system, which will send notification of such filing by operation of the Court's electronic systems. Parties may access this filing via the Court's electronic system.

/s/ Evan R. Chesler

Evan R. Chesler